

deference to the Judge's opinion regarding claimant's credibility. In addition, the emergency room report from Lawrence Memorial Hospital dated December 18, 1995 contains a history of accident consistent with that alleged by claimant.

In his brief the claimant argues respondent failed to timely file its request for Appeals Board review and bases that argument on the contention that a request for review may not be made by telefax communication. Claimant cites no authority to support his argument although he contends it is a "well established" rule. The Appeals Board disagrees with claimant's contention regarding telefax communications and finds that respondent's request for Appeals Board review was timely.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Floyd V. Palmer dated April 17, 1996, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of June 1996.

BOARD MEMBER

c: Chris Miller, Lawrence, KS
Jeffrey D. Slattery, Kansas City, MO
Floyd V. Palmer, Administrative Law Judge
Philip S. Harness, Director